

PROB 12C
(7/93)

Report Date: August 22, 2012

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 23 2012

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Sylvester Sam Dave

Case Number: 2:10CR02138-001

Address of Offender: [REDACTED] Wapato, WA 98951

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: 4/13/2011

Original Offense: Fail to Register as a Sex Offender, 18 U.S.C. § 2250(a)

Original Sentence: Prison - 6 Months;
TSR - 24 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: To be determined

Date Supervision Commenced: 5/25/2012

Defense Attorney: Diane E. Hehir

Date Supervision Expires: 11/24/2013

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following condition of supervision:

Violation Number Nature of Noncompliance

1

Standard Condition # 2: The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first 5 days of each month.**Supporting Evidence:** Mr. Dave failed to report to the U.S. Probation Office and submit his monthly report form within the first 5 days of July and August 2012, as directed.

On July 18, 2012, a late report letter was sent to Mr. Dave reminding him he failed to submit his monthly report form within the first 5 days of the month of July 2012. On July 20, 2012, this officer spoke with Mr. Dave and reminded him of his failure to submit his report in a timely manner. The defendant indicated he forgot about coming in and did not have transportation to travel to Yakima. Mr. Dave submitted a late report on July 23, 2012. On this same date, the defendant was reminded that he would need to fill out August's monthly report form within 2 weeks. Mr. Dave stated he understood and verbally expressed ways to resolve this issue. Mr. Dave again failed to submit his monthly report form within the first 5 days of August 2012. Once again, a late report letter was sent to him reminding him of his obligation on August 14, 2012. As of August 22, 2012, Mr. Dave has yet to report.

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Re: Dave, Sylvester Sam

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2 **Special Condition # 25:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Dave failed to submit to random urinalysis testing at Merit Resource Services (Merit) on July 24, and August 14, 2012.

3 **Standard Condition # 3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: Mr. Dave failed to follow instructions from his probation officer by failing to submit to a urinalysis test at Merit on July 26, 2012.

On July 26, 2012, at approximately 2:20 p.m. a home visit was conducted at the defendant's residence. Mr. Dave was confronted on his failure to submit to a urinalysis at Merit on July 24, 2012. Mr. Dave indicated he had been calling daily and did not hear his color. The defendant was advised a urine specimen would be collected during this home visit, to which he stated he would not be able to produce a sample at this time. Mr. Dave was directed to go to Merit before the end of this day and provide a urine sample. It should be noted Merit does not close their business work day until 6 p.m. Therefore, Mr. Dave had more than 3 hours to follow this directive. Mr. Dave failed to comply.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

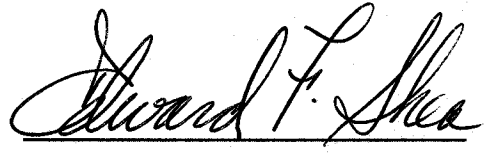
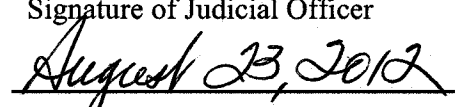
Executed on: 08/22/2012

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other


Signature of Judicial Officer

Date